



PUBLIC NOTICE

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DA No. 10-276

Report No. SCL-00102

Friday February 19, 2010

ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

By the Chief, Policy Division, International Bureau:

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this public notice.

These applications have been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 C.F.R. § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at <http://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm>.

This public notice serves as each cable landing licensee's Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

The Commission most recently amended its rules applicable to submarine cable landing licenses in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), 67 Fed. Reg. 1615 (Jan. 14, 2002). An updated version of sections 1.767 and 1.768 of the rules is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-598A1.pdf for a March 13, 2002 Public Notice; http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf for the December 14, 2001 Report and Order.

SCL-ASG-20091208-00039 E Hibernia Atlantic U.S. LLC
Assignment
Grant of Authority

Date of Action: 02/17/2010

Current Licensee: Hibernia Atlantic U.S. LLC
FROM: Hibernia Atlantic U.S. LLC
TO: Hibernia Atlantic U.S. LLC

Notification of the pro forma assignment of the cable landing license for the Hibernia Atlantic Cable, SCL-LIC-19990804-00012, effective December 9, 2009. Pursuant to a corporate restructuring, Hibernia Atlantic US LLC was merged into a new Washington State limited liability company, "New LLC." New LLC, the surviving entity, then changed its name to Hibernia Atlantic U.S. LLC.

Assignment

Grant of Authority

Date of Action: 02/17/2010

Current Licensee: Tricom USA, Inc., Debtor-in-Possession

FROM: Tricom USA, Inc., Debtor-in-Possession

TO: TRICOM USA, INC.

Application for consent to assign the interest in the Americas II cable system, SCL-LIC-19980101-00036 (Old File Number SCL-98-003), the MAYA-1 cable system, SCL-LIC-19990325-00006, and the Pan American cable system, SCL-LIC-19970421-00002 (Old File No. SCL-97-001), held by Tricom USA, Inc., Debtor-in Possession to Tricom USA Inc. (New Tricom USA). Tricom USA, Inc. Debtor-in Possession holds approximately 0.05%, 0.06%, and 0.12% ownership interest in the Americas II, MAYA-1, and Pan American cable systems, respectively.

On February 29, 2008, Tricom S.A. and its wholly-owned subsidiary Tricom USA, Inc. filed for bankruptcy protection under Chapter 11 of the U.S. Bankruptcy Code with the United States Bankruptcy Court for the Southern District of New York.

Pursuant to an order entered on October 21, 2009, the Bankruptcy Court confirmed the plan of reorganization for Tricom, S.A. and its Affiliated Debtors, including Tricom USA, Inc., Debtor-in Possession. The plan provides for the creation of a new holding company, Hispanola Telecom Holdings, Ltd, to be formed in the Bahamas which, upon the effective date of the Plan, will own directly at least 97% of the equity interests in reorganized Tricom, S.A. (New Tricom S.A.), a corporation organized in the Dominican Republic. Under the plan, New Tricom USA will continue to be a wholly-owned subsidiary of New Tricom S.A.

Pursuant to the plan, holders of certain unsecured claims against Tricom, S.A. and its Affiliated Debtors will receive a distribution of shares of Hispanola Telecom Holdings. It is anticipated that the following individuals or entities will hold a ten percent or greater interest in Hispanola Telecom Holdings: (1) Ellis Portafolio, S.A., a British Virgin Islands entity (10.7% direct); (2) MAP Private Trust Company, a Cayman Islands entity, for the benefit of Manuel Arturo Pellerano Pena and certain family members, all citizens of the Dominican Republic (13.4% indirect through various companies including Ellis Portafolio, S.A.); (3) AMZAK Capital Management, LLC (direct interest in excess of 18.5%, but less than 50%); (4) the Kasma family - Gerald Kasma, Michael Kasma, and Leigh Kasma, all Canadian citizens (indirect interest in excess of 18.5%, but less than 50%, through AMZAK). No other individuals or entities are expected to hold a ten percent or greater equity or voting ownership in Hispanola Telecom Holdings and consequently in New Tricom USA.

Grant of this application is conditioned on Applicant notifying the Commission in writing of the final equity and voting ownership interests in Hispanola Telecom Holdings within 30 days of the consummation of this transaction.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

Transfer of Control

Grant of Authority

Date of Action: 02/17/2010

Current Licensee: PPC 1 Limited**FROM:** PIPE Networks Limited**TO:** TPG Telecom Limited

Application for consent to transfer control of the cable landing license for the PPC 1 Cable System, SCL-LIC-20080213-00001, SCL-MOD-2090910-00027, held by joint licensees PPC 1 Limited and PPC 1 (US), Inc. (PPC 1 US) from PIPE Networks Limited (PIPE Networks) to TPG Telecom Limited (TPG Telecom). PPC 1 US is a wholly-owned direct subsidiary of PPC Limited, which in turn is a wholly-owned indirect subsidiary of PIPE Networks.

The PPC 1 cable system is a non-common carrier fiber optic cable system consisting of two segments: (1) the Australia-Guam Trunk, connecting Sydney, Australia with Piti, Guam, and (2) the PNG Spur, connecting Madang Papua New Guinea with a branching unit located on the Australia-Guam Trunk. PPC 1 Limited owns and operates the wet-link portions of the Australia Trunk, including the branching unit. PPC 1 US controls the U.S. cable landing station. PIPE International (Australia) Pty. Ltd, the direct 100% parent of PPC 1 Limited, owns and operates the cable landing station in Australia. Telikom PNG Limited owns and operates the PNG Spur and cable landing station in Papua New Guinea. (Telikom PNG Limited is not part of this transaction, and this transaction does not affect the ownership of the PNG Spur and cable landing station in Papua New Guinea.)

On November 11, 2009, PIPE Networks and TPG Telecom entered into a merger agreement whereby TPG Telecom will acquire all of the outstanding shares of PIPE Networks. Upon closing TPG Telecom will indirectly own and control PPC 1 Limited and PPC 1 US.

TPG Telecom is an Australian corporation whose shares are publicly traded on the Australian Securities Exchange. Washington H. Soul Pattinson and Company Limited, an Australian public corporation, holds a 28.26% direct interest in TPG Telecom, and is in turn 42.85% directly owned by Brickworks Limited, also an Australian public corporation. David Teoh and Vicky Teoh each individually holds 19.25% direct interest in TPG Telecom's ordinary shares. No other individuals or entities have a ten percent or greater equity or voting ownership in TPG Telecom and consequently in PPC 1 Limited and PPC 1 US.

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition) filed in this proceeding on January 28, 2010, by the Department of Homeland Security, with concurrence from the Department of Justice and the Department of Defense. Accordingly, we condition grant of this application on PIPE Networks Limited, PPC 1 Limited, PPC (US) Inc. and TPG Telecom Limited abiding by the commitments set forth in their January 28, 2010, letter to the Assistant Secretary for Policy, Department of Homeland Security and the Secretary, Federal Communications Commission (January 28 2010 Letter). In the January 28, 2010 letter, PIPE Networks Limited, PPC 1 Limited, PPC (US) Inc. and TPG Telecom Limited commit to continue to abide by the terms of the National Security Agreement executed between PPC 1 Limited and PPC (US) Inc. and the Department of Homeland Security on September 4, 2008 (September 4, 2008 Agreement). A copy of the Petition, January 28, 2010 letter and the September 4, 2008 Agreement are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20091230-00041 and accessing "Other filings related to this application" from the Document Viewing area.
